

REMARKS:

Applicant has carefully studied the non-final Examiner's Action mailed November 29, 2005. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Claim Rejections 35 U.S.C. § 112

Applicant acknowledges the quotation of 35 U.S.C § 112 first paragraph.

Claims 1, 2, 6, 8, 10, 21, 22 and 24-28 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Independent claims 1 and 21 have been amended to comply with the written description requirement. The amendment to the claims defining the electric field as being between 1mV/cm and 200V/cm is supported by the specification at paragraph [0020] in which electric field strengths between 1mV/cm and 200V/cm are applied.

Claim Rejections 35 U.S.C. § 102

Applicant acknowledges the quotation of 35 U.S.C § 102(b).

Claims 1, 2, 6, 8 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hofmann et al. (U.S. Patent 6,055,453, published April 25, 2000; previously cited). The Office states that Hofmann teaches a method of delivering a molecule into a cell in a tissue wherein the method "consists essentially of" introducing a molecule into a target tissue and applying a single electric field of about 200V/cm or less and for a duration of 100ms. As such, the Office contends that Hofmann anticipates the instant claims.

Claim 1 has been amended to more clearly describe that which the applicant regards as the invention. In view of the amendment to claim1, Applicant believes that the invention is not anticipated by Hofmann et al. Hofmann does not describe the application of a continuous electric field between 1mV/cm and 200V/cm for a duration of between 200ms and 20 minutes.

Accordingly, currently amended independent claims 1 and 21 are believed to be in condition for allowance. Claims 2, 6, 8 and 10 are dependent upon claim 1, and are therefore allowable as a matter of law. Claims 22 and 24-28 are dependent upon claim 21, and are therefore allowable as a matter of law.

By cancellation or amendment of these claims, applicants only wish to advance prosecution of the present application. Applicants reserve the right to prosecute one or more subject matter in the original claims in one or more continuation applications and that equivalence to these claims have not been relinquished by these amendments.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,
SMITH & HOPEN



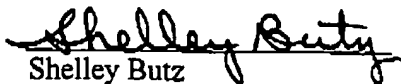
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Dated: February 28, 2006

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Amendment H is being transmitted by facsimile to the United States Patent and Trademark Office, Central Fax Center, Art Unit 1635, Attn: Jon E. Angell, (571) 273-8300 on February 28, 2006.

Dated: February 28, 2006


Shelley Butz